

1 Honorable Benjamin H. Settle
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT TACOMA

9 MATTHEW AUGUSTINO,

10 Plaintiff,

11 v.

12 THURSTON COUNTY, a municipal
13 corporation, ZACHERY WILSON, an
14 individual, MATTHEW THAYER, in his
15 individual and official capacity; MARILEE
16 WARREN, in her individual and official
17 capacity; ADEWOLE ADEBAYO, in his
18 individual and official capacity; MATTHEW
19 COLLINS, in his individual and official
20 capacity; DANIEL ROBERTSON, in his
21 individual and official capacity; and AUSTIN
22 BOSWELL, in his individual and official
23 capacity; ORION WOOD, in his individual and
24 official capacity; DANIEL BITTNER, in his
25 individual and official capacity; TIMOTHY
26 LEE, in his individual and official capacity, and
27 KENDALL REED, in his individual and official
capacity,

Defendants.

No. 3:23-cv-06035-BHS

ORDER REGARDING ACCEPTED OFFER
OF JUDGMENT

NOTED FOR CONSIDERATION:
OCTOBER 28th, 2024

The Court has reviewed (a) the Stipulation Regarding Acceptance of Offer of Judgment filed by Plaintiff Matt Augustino and Defendants Thurston County, Matthew Thayer, Marilee Warren, Adewole Adebayo, Matthew Collins, Daniel Robertson, Austin Boswell, Orion Wood, Daniel Bittner, Timothy Lee, and Kendall Reed, and (b) Thurston County Defendants' Offer of Judgment and Plaintiff's Notice of Acceptance of Offer of Judgment (Exhibit A to Stipulation).

ORDER REGARDING ACCEPTED OFFER OF JUDGMENT - 1

No. 3:23-cv-06035-BHS

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

1 Accordingly, pursuant to Plaintiff's Acceptance of the Thurston County Defendants' Offer
2 of Judgment, the Stipulation, and Fed. R. Civ. Pro. 68, IT IS HEREBY ORDERED:

3 (1) All individual Thurston County Defendants (Matthew Thayer, Marilee Warren,
4 Adewole Adebayo, Matthew Collins, Daniel Robertson, Austin Boswell, Orion Wood, Daniel
5 Bittner, Timothy Lee, and Kendall Reed) are hereby **DISMISSED** with prejudice and without
6 costs or fees.

7 (2) The Clerk shall **ENTER JUDGMENT** against Thurston County for \$151,000, plus
8 reasonable attorney's fees and costs as subsequently determined by the Court on application of
9 Plaintiff, unless the parties reach an agreement without the need for an application to the Court.

10 (3) Plaintiff is **ORDERED** to move for an award of reasonable attorney's fees and
11 costs within 21 days of entry of judgment, unless the parties reach an agreement without the need
12 for an application to the Court in which case the parties shall file a joint status report.

14 **IT IS HEREBY ORDERED.**

16 DATED this 29th of October, 2024.

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19 BENJAMIN H. SETTLE
20 United States District Judge

1 Presented by:

2
3 **MacDONALD HOAGUE & BAYLESS**

4 By: /s/Katherine Chamberlain

Katherine Chamberlain, WSBA #40014
5 Lauren I. Freidenberg, WSBA #59145
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9 *Attorneys for Plaintiff Matthew Augustino*

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11 **KEATING BUCKLIN & MCCORMACK,
12 INC., P.S.**

13 [Electronic permission to affix signature
14 granted on October 25th, 2024]

15 By: /s/Ann E. Trivett

16 Ann E. Trivett, WSBA #39228
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17 Seattle, WA 98104
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18 *Attorney for Defendant Thurston County
19 Matthew Thayer, Marilee Warren, Adewole
20 Adebayo, Matthew Collins, Daniel
21 Robertson, Austin Boswell, Orion Wood,
22 Daniel Bittner, Timothy Lee, and Kendall
23 Reed*

CERTIFICATE OF SERVICE

I, Chris Bascom, declare under penalty of perjury under the laws of the United States of America that I caused to be served in the manner noted below a copy of the document entitled PROPOSED ORDER REGARDING ACCEPTED OFFER OF JUDGMENT, on the following participants:

<p><u>KEATING, BUCKLIN & MCCORMACK, INC., P.S.</u></p> <p>Ann E. Trivett, WSBA #39228 Rakiah Adams, WSBA #58799 Sarah Damianick, Paralegal Sydney McCrorie, Legal Assistant atrivett@kbmlawyers.com radams@kbmlawyers.com sdamianick@kbmlawyers.com smccrorie@kbmlawyers.com The Norton Building 801 Second Avenue, Suite 1210 Seattle, Washington 98104 Phone: (206) 223-9423</p> <p><i>Attorneys for Defendants Thurston County, Matthew Thayer, Marilee Warren, Matthew Collins, Adewole Adebayo, Daniel Roberton, Austin Boswell, Orion Wood, Daniel Bittner, Timothy Lee, and Kendall Reed</i></p>	<p><input checked="" type="checkbox"/> Via Clerk of the Court (CM/ECF System) <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Email <input type="checkbox"/> Via Overnight Delivery</p>
<p><u>THURSTON COUNTY PROSECUTOR'S OFFICE</u></p> <p>JON TUNHEIM, WSBA #19783 PROSECUTING ATTORNEY Julie Carignan, WSBA #36670 Linda Olsen, Paralegal julie.carignan@co.thurston.wa.us linda.olsen@co.thurston.wa.us Civil Division – Building No. 5 2000 Lakeridge Drive SW Olympia, WA 98502 Phone: (360) 786-5540</p> <p><i>Attorney for Defendants Thurston County, Matthew Thayer, Marilee Warren, Matthew Collins, Adewole Adebayo, Daniel Roberton and Austin Boswell</i></p>	<p><input checked="" type="checkbox"/> Via Clerk of the Court (CM/ECF System) <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Email <input type="checkbox"/> Via Overnight Delivery</p>

1	PRO SE DEFENDANT ZACHERY WILSON
2	(who has not appeared in case)
3	Zachery Wilson
4	167 Fray Road
5	Chehalis, WA 98532
6	P.O. Box 253
	Onalaska, WA 98570

- Via Clerk of the Court (CM/ECF System)
- Via Facsimile
- Via First Class Mail
- Via Email
- Via Overnight Delivery

7 DATED this 28th day of October, 2024 at Seattle, Washington.

9 */s/Chris Bascom*
10 Chris Bascom. Legal Assistant

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